

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.381 OF 2004  
IN  
SUMMARY SUIT NO.730 OF 2004

Unisteels & Engineering Co.(P) Ltd. ..Plaintiffs

Vs.

Kerala Roadways Ltd.

..Defendants

Mr.H.V.Chande for the plaintiffs

Mr.Subhash Jadhav i/b Khaitan & Jaykar for the  
defendants

**CORAM : S.U.KAMDAR, J**  
**DATED : 3RD OCTOBER, 2005**

P.C.:

. The present suit is filed in respect of goods lost by defendants as transport carrier. The suit is for value of the goods. Obviously suit claim flows from breach of agreement to carry the goods and the liability is under the Carriers Act, 1865. Such a claim is in the nature of damages cannot be maintainable as summary suit. In that view of the matter, Summons for Judgment dismissed. Unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed

within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.